HIGH COURT OF BOMBAT AT GOA PANAJI

WRIT PETITION NO. 186 of 2006

SMT. FRANSKIN FERNANDES AND 2 ORS. ... PETITIONERS

VERSUS

SHRI VITHU M. MORAJKAR AND ANR. ... RESPONDENTS

Mrs. A.A. Agni, Advocate for the Petitioners.
Mr. Zeller D' Souza, Advocate for R.1 and 2

Coram : V.C. DAGA, J.
DATE : 10 th August, 2006

P.C.:

After hearing this matter for some time, looking to the consensus between the parties, respondent no.1 is permitted to file an undertaking dated 9.8.2006, the contents of which are self explanatory. The undertaking furnished by the respondent no.1 and the statements made therein are accepted and taken on record. However. It is made clear that this undertaking shall not prevent the defendants from raising their defence on merits. This undertaking shall hold good by way interim arrangement during the pendency of the suit. No equity shall be created in favour of either of the parties.

All pending matters shall be decided by all the Courts on its own merits. All rival contentions are kept open.

In view of the above undertaking the impugned order does not survive. It stands substituted with that of the undertaking dated 9.8.2006.

The petition stands disposed of in terms of this order with not order as to costs.

(V.C. Daga)
Judge

ap/-